



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.08.2020

DELIVERED ON : 14.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).Nos.3881 to 3884 of 2013 and

M.P(MD).No.1 of 2013 in all W.P.S

WEB COPY

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.

2.The Conservator Forest,
NGO "B" Colony,
Tirunelveli - 7.

3.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli -2 : Petitioners in W.P(MD).No.3881/13

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.

2.The Chief Conservator of Forest,
Forestry Extension, Southern Region,
Madurai.

3.The Forestry Extension Officer,
Forestry Extension Division,
Ponnagudi,
Tirunelveli. : Petitioners in W.P(MD).No.3882/13

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.

2.The Conservator Forest,
NGO "B" Colony,
Tirunelveli - 7.

3.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli. : Petitioners in W.P(MD).No.3883/13



1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.

2.The Conservator Forest,
NGO "B" Colony,
Tirunelveli - 7.

3.The District Forest Officer,
Thoothukudi.

: Petitioners in W.P(MD).No.3884/13

Vs.

1.The Tamil Nadu Social Forestry Workers,
Plot Watchers Union,
rep. by its General Secretary,
R. Ramasamy,
TNSFWP Watchers Union,
Thoothukudi District.

2.The Deputy Commissioner of Labour,
The Tribunal constituted under the Provisions of
Minimum wages Act,
Tirunelveli -2.

... Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order of the second respondent herein passed, dated 30.11.2012 in M.W.Nos.484 and 482 of 2007 and 11 of 2008 and 483 of 2007 respectively and quash the same.

For petitioners in all W.Ps : Mr. J. Gunaseelan Muthiah
Additional Government Pleader
For 1st Respondent in all W.Ps: Mr.V.O.S. Kalaiselvan
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed to quash the impugned order of the second respondent herein passed in M.W.Nos.484 and 482 of 2007 and 11 of 2008 and 483 of 2007, dated 30.11.2012.

2. The brief facts of the petitioners / Department are as follows:-

(i) As per G.O.Ms.No.222, Environment and Forest Department, dated 10.06.1992, the Plot Watchers and Social



Forestry Workers, who were directly recruited from the year 1980 to 1983 were made permanent. Based on the G.O.Ms.No. 332, Environment and Forest Departments, dated 22.12.1994, they were allowed to work as Forest Watchers, Mali and Office Assistants. Moreover, due to the repeated representation and agitations made by them, seniority list were fixed for the above workers and it was granted through G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999.

(ii) The respondents herein were appointed as Plot Watchers and Social Forestry Workers and they worked in the above said posts for over 25 years in the office of this petitioner. They were paid a consolidated pay of Rs.817.50/- per month. As per G.O.Ms.No.106, Environment and Forest (FR-2) Department, dated 21.09.2006 a monthly pay of Rs.2,126/- was paid to them. They have filed a claim petition claiming minimum wages for the relevant period i.e., 1999 - 2006 before the second respondent and the same was allowed and thereafter, they have filed a petition before the Labour Court in claiming wages before the Joint Commissioner of Labour Tribunal, Tirunelveli in M.W.No.484 of 2007 and the same was allowed. As against the same, the petitioners have filed the present Writ Petition for the relief stated above.

3. The learned Additional Government Pleader appearing for the petitioners would submit that G.O.Ms.No.82, Labour and Employment Department, dated 27.09.2002 came to be passed. The said Government Order exempted the social Forestry Workers from gaining the benefits under Minimum Wages Act, 1948. The respondents were silent and failed to challenge all the Government Order at that point of time. The respondents after an inordinate delay of 9 years, claimed damages and back wages before the respondent / Tribunal by way of filing M.W.No.484 of 2007, claiming for Minimum Wages before the Government Order came to be passed. The respondent Tribunal without hearing the contentions of the petitioner, misconceived by the statements of respondents passed the impugned order of payment of Rs.1,06,39,215/- being the minimum wages for the relevant period i.e., 1999-2006. The respondents have failed to challenge the G.O.Ms.No.82, which exempted their privilege. When G.O.Ms.No.82 is in force, the procedure to claim relief under Minimum Wages Act, 1948 do not arise and the impugned proceedings are void ab-initio and they are liable to be dismissed.

4. The learned counsel appearing for the first respondent / private parties draw my attention relying upon the order passed by the Principal Seat of this Court, dated 08.08.2011 made in W.P (MD).Nos. 24601 of 2005 etc., Batch (The Chief Conservator of Forests, Chennai -15 and another Vs. P Subramanian and others), which was dismissed confirming the order passed by the Joint



Commissioner, Labour Court, under the Minimum Wages Act and thereafter, the petitioners have filed W.A.Nos.2183 of 2012 etc., batch, wherein, the Hon'ble Division Bench of the Principal Seat confirmed the order of learned Single Judge.

5. On perusal of the order passed by the Hon'ble Division Bench of the Principal Seat, it is seen that the points which are raised by the learned Additional Government Pleader as stated supra has been negatived. Taking into consideration of the fact that the respondents herein who are working as Plot watchers and Social Forestry Workers, was the subject-matter in Writ Appeals in W.A.Nos.2183 of 2012 etc., batch, and in this case, the private respondents herein are similarly placed persons for the same prayer in Tirunelveli Division and hence, the point for determination in this case is as to whether the order passed by the second respondent in Minimum Wages Act is sustainable no longer *res integra*.

6. In view of the order passed in the Writ Appeals and the said facts squarely falls under the decision rendered by the Hon'ble Division Bench of the Principal Seat, and hence, all these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

7. The petitioners are directed to implement the order passed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Deputy Commissioner of Labour,
The Tribunal constituted under the Provisions of
Minimum wages Act,
Tirunelveli -2.

+1 CC to Mr.V.O.S. KALAISELVAM, Advocate (SR-16802[F] dated
15/09/2020)

ORDER MADE IN
WP (MD) .Nos.3881 to 3884 of 2013
14.09.2020

KM (22.09.2020) 5P 3C